



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

A G E N D A

June 12, 2006

*Commissioner Tom Moss, Chairman
Commissioner Joe Ford, Chairman Pro Tempore
Commissioner Marilyn Loeffel
Commissioner George Flinn
Commissioner John Willingham
Commissioner Walter Bailey, Jr.
Commissioner Julian T. Bolton*

*Commissioner Deidre Malone
Commissioner Michael Hooks
Commissioner Cleo Kirk
Commissioner Joyce Avery
Commissioner David Lillard
Commissioner Bruce Thompson*

1:30 P.M. COMMISSION CONVENES

CALL TO ORDER Deputy Sheriff James Wilks

**INVOCATION Minister John Whiting, Assistant Minister
Bountiful Blessings Temple of Deliverance**

PLEDGE OF ALLEGIANCE

ROLL CALL

Approval of Minutes of Previous Sessions

**KIRK
ADOPTED May 22, 2006**

C O N S E N T A G E N D A

Resolutions of Memorial, Sympathy and Commendation

**BOLTON
ADOPTED 1. Memorial Resolution in honor of Mr. John Cooper,
husband of State Representative Barbara Cooper.**

Ordinances

**KIRK
APPROVED 2. ORDINANCE – FIRST READING- Ordinance fixing tax
rate for Shelby County for the year 2006.**

**LOEFFEL
APPROVED 3. ORDINANCE – FIRST READING – An Ordinance to adopt
Supplement No. 29 to the Code of Shelby County,
Tennessee.**

Zoning and Subdivisions

**LOEFFEL
ADOPTED
(A-F)**

4. Resolution approving various subdivision contracts, plats, extensions, etc. as recommended by the County Engineer.

Reports and/or Resolutions of Standing Committees

**KIRK
ADOPTED**

5. Resolution to request Unclaimed Balance of accounts remitted to State Treasurer under Unclaimed Property Act.

**KIRK
ADOPTED**

6. Resolution extending the Shelby County Board of Equalization Special Session for Tax Year 2005.

**KIRK
ADOPTED**

7. Resolution to amend the FY 2006 Operating Budget to provide \$500,000.00 for utilities.

**KIRK
ADOPTED**

8. Resolution approving the amendment to the Contract with Tyler Technologies, Inc., CLT Division, for upgrades to the County's existing integrated assessment system in the amount of \$270,000.00 and appropriating said amount in the FY 2005/2006 Operating Budget of the Shelby County Assessor.

**KIRK
ADOPTED**

9. Resolution approving contract with B Four Plid, Inc., for re-roofing Shelby County Courthouse at 140 Adams, appropriating funds in the amount of \$372,988.00 from the FY 2005/2006 budget for CIP Project No. 010710, Office Buildings.

**KIRK
ADOPTED**

10. Resolution approving contract with Waterproofing Systems, Inc., for weatherproofing at 160 North Main, appropriating funds in the amount of \$205,292.00 from the FY 2005/2006 Budget for CIP Project No. 1017810, Office Buildings.

**KIRK
ADOPTED**

11. Resolution approving the sale of 2.33 acres of unimproved, landlocked real property located on the south side of Interstate 240, 1,200 feet +/- west of Perkins Road, to William H. Thomas, Jr., for \$125,000.00.

**KIRK
ADOPTED**

12. Resolution approving the sale of two parcels of surplus real property, one improved parcel located at 5565 Shelby Oaks Drive and one unimproved floodway and floodplain parcel located on the southeast side of Summer Avenue and the northeast side of the Wolf River, to Scenic Outdoor, LLC, for \$705,000.00.

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| KIRK
ADOPTED | 13. Resolution to authorize Shelby County Government to accept and expend \$2,300.00 in direct appropriation funds from Lighthouse Mission Ministries, Christ United Methodist Church, and Mt. Joyner M.B. Church for winter utility assistance and to amend the 2005/2006 Operating Budget. |
| KIRK
ADOPTED | 14. Resolution rescinding part of Resolution #5 dated December 19, 2005, and approving settlement of civil rights lawsuit for Catherine Lacey. |
| AVERY
ADOPTED | 15. Resolution approving expenditure of funds by the Department of Homeland Security FY 2005/2006 Operating Budget in the amount of \$112,267.00 to Farber Specialty Vehicles for the purchase of one (1) Command Communications Center for the City of Memphis Fire Department. |
| AVERY
ADOPTED | 16. Resolution approving expenditure of funds by Shelby County Government to Standard Construction Company for crushed concrete in the approximate amount of \$88,800.00 from July 1, 2006 through June 30, 2007. |
| AVERY
ADOPTED | 17. Resolution approving expenditure of funds by Shelby County Government to Standard Construction Company and Lehman-Roberts Company for plant mix asphalt in the approximate amount of \$645,000.00 from July 1, 2006 through June 30, 2007. |
| AVERY
ADOPTED | 18. Resolution approving expenditure of funds by Shelby County Government to Mid-America International Trucks for the purchase of three (3) single axle dump trucks in the amount of \$200,904.00. |
| AVERY
ADOPTED | 19. Resolution to approve amendment number 1 to the Family Planning Services Grant contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health for the period July 1, 2005 through June 30, 2006 in the amount of \$39,900.00 for the administration of Family Planning Services, amending one (1) FY 2005/2006 Operating Budget. |
| AVERY
ADOPTED | 20. Resolution to approve a contract between the Memphis and Shelby County Health Department and the Tennessee Department of Health in the amount of \$217,800.00 for HIV/AIDS Case Management services for the period April 1, 2006 to March 31, 2007, and to amend the FY 2005/2006 Operating Budget and the FY 2005/2006 Position Control Budget. |

**AVERY
ADOPTED**

21. Resolution to approve a grant from United Way of the Mid-South to the Memphis and Shelby County Health Department in the amount of \$66,000.00 for the purpose of providing nutrition services for HIV clients for the period April 1, 2006 – March 31, 2007, and to amend the FY2005/2006 Operating Budget of the Division of Health Services.

**AVERY
ADOPTED**

22. Resolution requesting approval to amend the Memphis and Shelby County Health Department FY 2005/2006 Operating Budget and FY 2005/2006 Position Control Budget and to appropriate funds in the amount of \$7,166.00 carried forward from FY 2004/2005 in the HIV/AIDS Case Management Program.

**AVERY
ADOPTED**

23. Resolution to approve a grant from the Tennessee Department of Health to the Memphis and Shelby County Health Department in the amount of \$50,800.00 for the purpose of raising awareness of the Pandemic Influenza threat for the period May 15, 2006 – August 30, 2006, and to amend the FY 2005/2006 Operating Budget of the Memphis and Shelby County Health Department.

**AVERY
ADOPTED**

24. Resolution to approve a contract between Shelby County Government and Forensic Medical Management Services, P.C., for the provision of Interim Assistant Medical Examiner Services for the Regional Forensic Center in the amount of \$70,000.00 for the period April 18, 2006 – June 30, 2006.

**FORD
ADOPTED**

25. Resolution amending the FY 2005/2006 Operating Budget for the State of Tennessee Department of Transportation – Governor’s Highway Safety Office Grant for the Metro Youth DUI Unit Project to allocate a portion of the grant funds in Fund 301 for Outside Agencies Services in the amount of \$21,000.00.

**FORD
ADOPTED**

26. Resolution amending the FY 2005/2006 Operating Budget for the State of Tennessee Department of Transportation – Governor’s Highway Safety Office Grant for the Metro Youth DUI Unit Project to allocate a portion of the grant funds in Fund 790 for Outside Agencies Services in the amount of \$20,000.00.

**FORD
ADOPTED**

27. Resolution amending the FY 2005/2006 Operating Budget of the Juvenile Court of Memphis and Shelby County and appropriating funds in the amount of \$380,701.00 for payment of data processing supplies, modular furniture, building and equipment maintenance, professional fees and computer hardware and software necessary for continuation of the Child Support Enforcement Program.

FORD
ADOPTED

28. Resolution to establish and implement the “Victims’ Assistance Assessment” to be collected by all clerks of courts of General Sessions, Circuit and Criminal Courts, and any other court exercising similar criminal jurisdiction as authorized by SB 1764 and HB 1360, passed by both chambers of the legislature and signed into law by the Governor in 2006.

FORD
ADOPTED

29. Resolution approving contract amendment with Softtec, Inc., for the provision of case management software license, maintenance and support in the amount of \$65,600.00.

FORD
ADOPTED

30. Resolution amending the rules and regulations of the Shelby County Beer Board.

FORD
ADOPTED

31. Resolution approving the transfer of title of two parcels of Homestead Program Property pursuant to Tennessee Code Annotated Section 7-66-101 and Resolution #24, adopted by the Shelby County Board of Commissioners on October 7, 1985, authorizing the implementation of the Shelby County Homestead Program.

FLINN
ADOPTED

CONSENT AGENDA

REGULAR AGENDA

Elections, Appointments, and Confirmations

FORD
ADOPTED

32. Resolution approving the county mayor’s nomination of Joel Barnes and Dr. Karl Pensak for appointment, and John A. Bossier, Phillip G. Coop, Dr. Amado X. Freire and Carol B. Tsagarakis for reappointment to the Memphis and Shelby County Air Pollution Control Board.

Ordinances

LOEFFEL
(DEFERRED
TO 06/26/06)

33. ORDINANCE – THIRD READING – An Ordinance to amend Chapter 28 of the Code of Shelby County to provide for the disposal of tenant property discarded onto county right-of-ways, easements or other property owned or maintained by the county after an eviction.

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

**KIRK
ADOPTED**

34. Resolution to approve Lease Agreement with Finard Poplar Realty Limited Partnership, a Massachusetts Limited Partnership to provide office space for the Shelby County Clerk's office for a five (5) year period beginning July 1, 2006 to June 30, 2011, in the amount of \$15,000.00 annually.

**KIRK
(DEFERRED
TO 06/26/06)**

35. Resolution to amend the FY2006 Operating Budget and Capital Improvement Plan budget to provide \$2,000,000.00 for CIP Pay-As-You-Go.

**KIRK
ADOPTED**

36. Resolution adopting a Continuing Budget and Tax Rate for the fiscal year beginning July 1, 2006; and providing an effective date.

**KIRK
ADOPTED**

37. Resolution authorizing the issuance of not exceeding \$50,000,000.00 Shelby County, Tennessee Tax Anticipation Notes, Series 2006; providing for certain details with respect to such notes; authorizing the proper officials to do all things deemed necessary or advisable in connection with the sale and issuance of the notes; appointing the financial advisors; and providing an effective date.

**AVERY
ADOPTED**

38. Resolution to approve a contract between Shelby County Government and Forensic Medical Management Services, PC, for the provision of professional services to operate the office of the Shelby County Medical Examiner and Shelby County Regional Forensic Center in the amount of \$2,476,880.00 for the period July 1, 2006 - June 30, 2007.

**BAILEY
(DEFERRED
TO 06/26/06)**

39. Resolution to (1) amend the CIP Budget for 2005-2006; (2) appropriate \$3,000,000.00 to Shelby County Schools for additions to and/or construction of permanent school facilities in the Southeast area of Shelby County to relieve critical overcrowding of Schools in that area; (3) amend the CIP budget and appropriating to Memphis City Schools an additional sum of \$7,511,562 for the critical capital needs of the Memphis City Schools; (4) provide the Capital funding required under this Resolution upon enactment from funding internally allocated within County Government for Year 3 under the Joint School Funding Agreement without raising the aggregate debt ceiling of County Government; and (5) establish an internal reserve fund within County Government which, over a three year period, will provide a pay as you go funding mechanism for the amount necessary to fund \$10,511,562.00 of the appropriation required under Year Three of the Joint School Funding Agreement.

**MALONE
(DEFERRED
TO 06/26/06)**

40. Resolution to approve the lease and agreement with Chuck Hutton Company to be used for the sole purpose of a Shelby County Head Start facility for a seven (7) year period beginning July 1, 2006 through June 30, 2013 in the amount of \$1,471,512.00.

**BOLTON
DROPPED**

41. Resolution to rescind Item #21 adopted by the Board of County Commissioners of Shelby County, Tennessee on January 24, 2005 and requesting the Shelby County Legislative Delegation to withdraw their support in the Tennessee General Assembly of a legislative Bill entitled "An Act to amend TCA Title 67, Chapter 4, Part 5, relative to a tax on the Privilege of recording transfers of Realty."

Announcements/Statements

Adjournment

**KIRK
ADOPTED**

42. Resolution of Adjournment to June 26, 2006, at 1:30 p.m.

AGENDA # 4
DATE JUNE 12, 2006

4A

SUBDIVISION: AFTON GROVE PD, PHASE 3 (P.D. 01-319 CC)

DEVELOPER: AFTON GROVE PARTNERS, GP

ACTION: RESOLUTION TO RELEASE THE BOND THAT SECURED THE IMPROVEMENTS TO AFTON GROVE PD, PHASE 3 (P.D. 01-319 CC)

LOCATION: EAST SIDE OF FOREST HILL-IRENE ROAD, NORTH OF ROCKY POINT ROAD

4B

SUBDIVISION: CONDY SUBDIVISION (S 05-075 CO)

DEVELOPER: ANTHONY J. CONDY

ACTION: RESOLUTION TO APPROVE THE PLAT FOR CONDY SUBDIVISION (S 05-075 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: EAST SIDE OF ROSEMARK ROAD, ± 500 FEET NORTH OF MILLINGTON-ARLINGTON ROAD

4C

SUBDIVISION: CURTMAN GLENN PD (P.D. 05-321 CC)

DEVELOPER: GRACE LAND COMPANY

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE CURTMAN GLENN PD (P.D. 05-321 CC) AND AUTHORIZES RECORDING OF THE PLAT

LOCATION: SOUTH SIDE OF RALEIGH LAGRANGE ROAD, ± 2750 FEET FROM THE INTERSECTION OF RALEIGH LAGRANGE ROAD AND WISEMAN ROAD

4D

SUBDIVISION: LAGRANGE COMMONS PD, (P.D. 05-311 CC)

DEVELOPER: LAGRANGE COMMONS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO THE LAGRANGE COMMONS PD, (P.D. 05-311 CC) AND AUTHORIZE RECORDING OF THE PLAT

LOCATION: WEST SIDE OF RALEIGH LAGRANGE ROAD ± 500 FEET SOUTH OF MACON ROAD

AGENDA # 4
DATE JUNE 12, 2006

4E

SUBDIVISION: MONTREAUX ESTATES SUBDIVISION (S 05-067 CO)

DEVELOPER: KOLOPANAS CONSTRUCTION, LLC

ACTION: RESOLUTION TO APPROVE THE PLAT FOR MONTREAUX ESTATES SUBDIVISION (S 05-067 CO) AND AUTHORIZE THE RECORDING OF THE PLAT

LOCATION: NORTH SIDE OF RALEIGH-LAGRANGE; ± 346 FEET EAST OF KNOCO ROAD

4F

SUBDIVISION: WALKER FARMS PLANNED DEVELOPMENT, PHASE 1 (P.D. 04-622 CO)

DEVELOPER: FIRST CAPITAL INVESTMENTS, LLC

ACTION: RESOLUTION TO APPROVE THE AGREEMENT TO SECURE THE IMPROVEMENTS TO WALKER FARMS PLANNED DEVELOPMENT, PHASE 1 (P.D. 04-622 CO) AND AUTHORIZE THE RECORDING OF THE PLAT WHEN BONDING PROCEDURES HAVE BEEN FULFILLED

LOCATION: NORTH SIDE OF OLD BROWNSVILLE ROAD ± 2,000 FEET WEST OF HATCH LANE

[If you have any questions about this agenda, please call Steve Summerall, Chief Administrator, at 545-4301]